

1 Paul Somers  
2 185 Channel St.  
3 San Francisco, CA 94158  
4 Telephone: (917) 868-1070  
5 paulsomers@me.com  
6 Pro Se

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8 UNITED STATES DISTRICT COURT  
9  
10 FOR  
11  
12 THE NORTHERN DISTRICT OF CALIFORNIA  
13  
14

15 PAUL SOMERS, an individual,

16 Plaintiff,

17 vs.  
18 DIGITAL REALTY TRUST INC., a  
19 Maryland corporation, ELLEN JACOBS, an  
20 individual, and DOES ONE through TEN,  
21 inclusive,

22 Defendants.

23 Case No. 14-CV-05180 KAW

24  
25 **DECLARATION OF PAUL SOMERS  
26 IN SUPPORT OF RECUSAL OR  
27 DISQUALIFICATION OF  
28 MAGISTRATE JUDGE KANDIS  
WESTMORE**

I, Paul Somers, declare:

1. I am Plaintiff in the above entitled action and state the following from my personal  
2 knowledge. If called to testify to the facts set forth below, I could competently testify to  
3 them.
4. I maintain the website SomersDecision.com. I am embedded Statcounter on the website  
5 since it first went online to collect data about the visitors who visited the website. The  
6 data provided as Exhibit A is true and correct taken directly from my account on the  
7 Statcounter website.
8. Only 5-6 hits have been registered to the web pages entitled *“Fact Finders will Determine  
9 if Digital Realty’s Attorneys Committed a Crime Against the Judicial Machinery at 8:53*

10 CASE NO. 14-CV-05180

11 1 **DECLARATION OF PAUL SOMERS  
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13 DISQUALIFICATION OF  
14 MAGISTRATE JUDGE KANDIS  
15 WESTMORE**

1           *PM on May 25, 2016," and "Seyfarth Shaw Forges Signature on Court Filing Now Under*  
2           *Investigation by the DA.*" As a result it is easy to discern those 5-6 visitors are which,  
3           through deduction, only leaves Seyfarth as the party who prompted the Magistrate to  
4           visit those pages.

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6       4. I believe based upon the evidence I have reviewed from Statcounter that the Magistrate  
7           Judge has been investigating the facts in this case a the prompting of Defendants.

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9       5. Through Statcounter, I recently noticed that Judge Westmore could be identified as a  
10           frequent visitor and it made me realize that I would be able to file a motion to recuse her  
11           from the case due to her investigating facts in the case and since it proves ex parte  
12           communications between her and Defendants' counsel, Seyfarth Shaw.

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15       6. I believe based upon my experience observing Brian Ashe, who lies nearly every time he  
16           makes a statement in my presence, that the Magistrate Judge's bias is in part, stemming  
17           from ex parte communications he has had with her. That communication almost  
18           certainly involved false and highly damaging statements about me.

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21       7. Based upon all of the factors listed in the motion for recusal, I believe that a recusal or  
22           disqualification is required because there is not only bias but collusion occurring between  
23           the Magistrate and the defense counsel, Seyfarth Shaw, Brian T. Ashe lead counsel to  
24           improperly shut me out of obtaining discovery and to harass and an intimidate me into  
25           withdrawing my claims. (Dkts. 242, 246)

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:0 I have attached, as Exhibit B, an Order from a case presided over by Judge Westmore which shows disparate treatment by the Magistrate contrasting my situation to that of a Mr. Cowan, both self-represented litigants.

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I declare under penalty of perjury under the laws of the United States and the laws of California that the foregoing is true and correct to the best of my knowledge.

Executed in San Francisco, California on March 20, 2018.

By: Paul Somers  
PAUL SOMERS